

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**PETRO INDUSTRIAL
SOLUTIONS, LLC,**

Plaintiff,

v.

**ISLAND PROJECT AND OPERATING
SERVICES, LLC; VITOL US
HOLDING II, CO.; VITOL VIRGIN
ISLANDS CORP.; ANDREW CANNING;
and OPTIS EUROPE, LTD.,**

Defendants.

1:21-cv-00312-WAL-EAH

TO: Lee J. Rohn, Esq.
On behalf of Plaintiff
Simone D. Francis, Esq.
On behalf of Island Project & Operating Servs.
Andrew Kaplan, Esq.
Y. Gloria Park, Esq.
Carl A. Beckstedt, III, Esq.
On behalf of Vitol US Holding II and Vitol VI
Andrew C. Simpson, Esq.
On behalf of Andrew Canning & OPTIS Europe

ORDER

THIS MATTER comes before the Court on Plaintiff's Deposition Plan and Objection to Vitol Defendants' Plan and Motion to Extend Fact Deadline to June 22, 2023. Dkt. No. 147. Plaintiff filed this document on February 13, 2023 in response to Defendants' Notice of Filing Defendants' Joint Deposition Plan on February 10, 2023. Dkt. No. 145. Both Plaintiff's filing and Defendants' filing were in response to the Court's First Amended Scheduling Order, Dkt. No. 136, issued following the January 18, 2023 status conference, where the Court and the

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parties discussed how to expeditiously complete fact discovery. The Court ordered the parties to submit a joint deposition plan by February 10, 2023 and, inter alia, set a new fact discovery deadline of June 16, 2023. *Id.*

In their Joint Deposition Plan, Defendants, inter alia, listed six witnesses and dates to take their depositions, stated that deposition notices should be served by February 21, 2023 and that one deposition would be scheduled per day unless otherwise agreed, and for those witnesses not in control of any party, the party seeking the deposition shall issue process by March 1, 2023, after which counsel would confer on date availability. Dkt. No. 145.

In its Deposition Plan, Plaintiff recounts a timeline where the parties sought to agree to a deposition schedule, its opposition to scheduling only one deposition a day given the limited dates to schedule depositions, and its response to Defendants' schedule. Dkt. No. 147. Plaintiff set forth a deposition plan, beginning on April 28, 2023, that scheduled two depositions on each available day. *Id.* Plaintiff proposed that deposition notices be sent out on March 20, 2023 rather than February 21, 2023, given counsel's schedule constraints, asked the Court to adopt its Deposition Plan, and extend the fact deposition deadline one week, to June 22, 2023. *Id.*

On February 16, 2023, the Vitol Defendants filed a Response to Plaintiff's Deposition Plan and Motion to Extend Time. Dkt. No. 149. These Defendants did not oppose extending the fact deadline to June 22, 2023, but opposed Plaintiff's plan as containing inaccurate statements that would not serve as an appropriate framework to efficiently conduct depositions in this case. *Id.* Counsel asserted that the limited days available to conduct

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discovery was due to Plaintiff's counsel's unavailability, causing Plaintiff to suggest days after the June 16, 2023 deadline imposed by the Court. *Id.* The Vitol Defendants indicated that because Plaintiff sought to conduct many depositions at the end of the discovery schedule, it sought multiple depositions on the same day, but would not agree to anything less than the full seven-hour deposition limit under Rule 30(d)(1). *Id.* Further, additional problems remained regarding witnesses under Plaintiff's control and how to schedule third-party witnesses. The Vitol Defendants provided a list of open issues that needed resolution. *Id.*

The Court realizes that scheduling numerous depositions in a case involving many parties presents a challenge. However, it set a June 16, 2023 fact discovery deadline in mid-January 2023 in the belief that the parties had enough time to complete the depositions in that six-month period. The Court is not inclined to have these scheduling issues derail the fact discovery deadline. Consequently, it will order Defendants IPOS and OPTIS, Ltd./Canning to file responses to Plaintiff's deposition plan by Tuesday, February 21, 2023. Similar to the Vitol Defendants' filing, it should specify the open issues that remain to be resolved in order to schedule the depositions. Plaintiffs may file any reply by Wednesday, February 22, 2023. The Court will schedule a hearing on Plaintiff's motion and both Deposition Plans for Friday, February 24, 2023 at 2:00 p.m. in STX Courtroom 3 to expeditiously resolve this matter. Counsel who are on island are required to be present in person; off-island counsel may appear by videoconference.

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Accordingly, it is now hereby **ORDERED**:

1. Defendants IPOS and OPTIS, Ltd./Canning shall file responses to Plaintiff's Deposition Plan on or before **Tuesday, February 21, 2023**. These responses should, inter alia, specify the open issues that remain to be resolved in scheduling the depositions.
2. Plaintiff shall file any reply to Defendants' filings by **Wednesday, February 22, 2023**.
3. The Court will hold a hearing on the Deposition Plans and Plaintiff's motion on **Friday, February 24, 2022 at 2:00 p.m. Atlantic Standard Time in STX Courtroom 1. Counsel located on St. Croix must attend in person; off-island counsel may attend by videoconference.**

ENTER:

Dated: February 16, 2023

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE